

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL HOROWITZ,

Plaintiff,

SPARK ENERGY, INC., et al.,

Defendants.

ORDER

19 Civ. 7534 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:


On July 3, 2019, Plaintiff commenced this action by filing a complaint in the Supreme Court of the State of New York, County of Rockland. (Cmplt. (Dkt. No. 1-1)) On August 12, 2019, Defendants removed the case to this District. (Notice of Removal (Dkt. No. 1)) Through papers filed on August 19, 2019, Defendants moved to dismiss the complaint. (Dkt. No. 16) By letter dated October 8, 2019 (Dkt. No. 27), Plaintiff sought leave to file an amended complaint. On October 23, 2019, Judge Deborah A. Batts – to whom this case was previously assigned – granted Plaintiff’s application, and Plaintiff filed an amended complaint one week later. (Am. Cmplt. (Dkt. No. 32)) On November 12, 2019, Defendants filed a motion to dismiss the amended complaint. (Dkt. No. 33)

Because Plaintiff amended his complaint, Defendants’ motion to dismiss the initial complaint (Dkt. No. 16) is denied as moot. See, e.g., Effie Film, LLC v. Murphy, No. 11 CIV. 783 (TPG), 2012 WL 716556, at *3 (S.D.N.Y. Mar. 6, 2012) (“In light of [plaintiff’s] . . . amended complaint, . . . , [defendant’s] motion to dismiss the original complaint is denied as moot.”).

The Clerk of Court is directed to terminate Dkt. No. 16.

Dated: New York, New York
February 21, 2020

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style with a large initial "P".

Paul G. Gardephe
United States District Judge